

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 LINDA L. SUN  
Supervising Deputy Attorney General  
4 State Bar No. 207108  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-6375  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 5446

12 **CATHERINE VENEGAS**

**ACCUSATION**

13 4092 W. 129th St.  
14 Hawthorne, CA 90250

15 Pharmacy Technician Registration  
16 No. TCH 109197

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about December 15, 2010, the Board of Pharmacy (Board) issued Pharmacy  
23 Technician Registration No. TCH 109197 to Catherine Venegas (Respondent). The Pharmacy  
24 Technician Registration was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on August 31, 2016, unless renewed.

26 ///

27 ///

28 ///



1           5.     Section 4060 provides in pertinent part, that no person shall possess any controlled  
2 substance, except that furnished to a person upon the prescription of a physician, dentist,  
3 podiatrist, optometrist, veterinarian, or other authorized prescriber.

4           6.     Section 4300 provides, in pertinent part, that every license issued by the Board is  
5 subject to discipline, including suspension or revocation.

6           7.     Section 4300.1 states:

7           "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of  
8 law or by order or decision of the board or a court of law, the placement of a license on a retired  
9 status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction  
10 to commence or proceed with any investigation of, or action or disciplinary proceeding against, the  
11 licensee or to render a decision suspending or revoking the license."

12          8.     Section 4301 states, in pertinent part:

13          "The board shall take action against any holder of a license who is guilty of unprofessional  
14 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.  
15 Unprofessional conduct shall include, but is not limited to, any of the following:

16           . . . .

17          “(g)   Knowingly making or signing any certificate or other document that falsely represents  
18 the existence or nonexistence of a state of facts.

19           . . . .

20          “(h)   The administering to oneself, of any controlled substance, or the use of any  
21 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or  
22 injurious to oneself, to a person holding a license under this chapter, or to any other person or to  
23 the public, or to the extent that the use impairs the ability of the person to conduct with safety to  
24 the public the practice authorized by the license.

25          “(j)   The violation of any of the statutes of this state, or any other state, or of the United  
26 States regulating controlled substances and dangerous drugs.

27           . . . .

28          ///



1 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
2 case.

3 **CONTROLLED SUBSTANCE**

4 11. "Alprazolam," is the generic name for Xanax. It is a Schedule IV controlled  
5 substance as designated by Health and Safety Code section 11057, subdivision (d) and is  
6 categorized as a dangerous drug pursuant to section 4022.

7 12. "Marijuana," is a Schedule I controlled substance as designated by Health and Safety  
8 Code section 11054, subdivision (d)(13) and is categorized as a dangerous drug pursuant to  
9 section 4022.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Conviction of a Substantially Related Crime)**

12 13. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
13 490, in conjunction with California Code of Regulations, title 16, section 1770, in that  
14 Respondent has been convicted of a crime substantially related to the qualifications, functions or  
15 duties of a pharmacy technician. On or about August 4, 2014, Respondent was convicted of one  
16 misdemeanor count of violating Vehicle Code section 23103.5 [reckless driving: involving  
17 alcohol] in the criminal proceeding entitled *The People of the State of California v. Catherine*  
18 *Venegas* (Super. Ct. L.A. County, 2014, No. 4IG01550). The court placed Respondent on 36  
19 months probation, with terms and conditions. The circumstances surrounding the conviction are  
20 that on or about March 6, 2014, during a traffic enforcement stop, an officer detected an odor of  
21 an alcoholic beverage emitting from Respondent. She was observed to have a horizontal gaze  
22 nystagmus. Respondent admitted that she consumed two beers (Coronas). She did not perform  
23 the standard Field Sobriety Tests (F.S.T.), as demonstrated and explained by the officer. As she  
24 was being arrested, Respondent admitted that she possessed Xanax in her car. A search of  
25 Respondent's vehicle revealed a purple pill container, with no label, containing multiple pills  
26 marked "GG249," later identified as Alprazolam and less than one ounce of Marijuana. During  
27 the booking procedure, Respondent submitted to a blood test that resulted in a blood-alcohol  
28 concentration level of 0.10%.

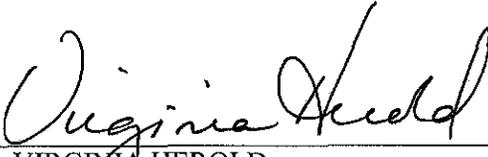


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2. Ordering Catherine Venegas to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: 9/21/15



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

LA2015500869  
51909997.doc  
jz(9/16/15)